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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/717,830 | 11/20/2003 | David G. Conroy | MSFT121952 | 8567 |
| 27195 | 7590 | 10/08/2008 | | |
| AMIN, TUROCY & CALVIN, LLP | | | EXAMINER | |
| 127 Public Square | | | ZHEN, L F | |
| 57th Floor, Key Tower | | | | |
| CLEVELAND, OH 44114 | | | ART UNIT | PAPER NUMBER |
| | | | 2194 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 10/08/2008 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/717,830

Applicant(s)

CONROY ET AL.

Examiner

LI B. ZHEN

Art Unit

2194

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Li B. Zhen/
Primary Examiner, Art Unit 2194

Continuation of 11, does NOT place the application in condition for allowance because: applicant's arguments are not persuasive. In response to the Final office action dated 07/30/2008, applicant argues that Morciniec fails to teach or suggest a unilateral contract that specifies an order of messages that flow in or out of services and that describes one or more behaviors expressed by one or more behavior sentences, wherein the unilateral contract is accepted when an external service promises to perform the unilateral contract according to the order of messages specified in the unilateral contract or ... performs the unilateral contract according to the order of messages specified in the unilateral contract, and wherein acceptance of the unilateral contract creates an instance of communication between services. Instead, Morciniec discloses that two parties form a bilateral contract when they both send acceptance messages. (See Morciniec paragraph 88). Further, unlike a unilateral contract of the subject invention performed in order of messages describing the unilateral contract, the bilateral e-contract of Morciniec is performed based on ClauseGroups and Clauses stored in a TextualContract record, and based on a FormalContract record associated with the bilateral c-contract.

Examiner respectfully disagrees because the e-contract in Morciniec is published without a binding between parties. For example, the Contract Provider provides an electronic contract to be bound and Contract Parties are those that want to interact according to the contract [paragraph 0032]. It is noted that the claimed unilateral contract does not preclude multiple parties accepting the contract. In fact, applicant's specification also discloses multiple services accepting the unilateral contract (i.e. p. 8, lines 13 - 26 of the specification). When the unilateral contract is accepted by services 210A and 210B, an instance of communication between the two services is created. Services 210A and 210B correspond to the Contract Parties disclosed in Morciniec. Finally, the e-contract in Morciniec defines abstract actions that defines streams of messages [paragraph 0029] and includes descriptions that control the timing and sequence of requests being made to the Messaging System [paragraph 0037]. The e-contract also defines an order of messages between the participating parties. Therefore, the e-contract disclosed in Morciniec corresponds to the claimed unilateral contract.